IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No. 9540 OF 1999

DATED: 21-11-2007

BETWEEN:

R. Madhu Mohan

.....Petitioner

AND

The Managing Director,
Tribal Cooperative Marketing Development
Federation of India Limited (TRIFED),
Ministry of Welfare, Government of India,
New Delhi

.....Respondent

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THE HON'BLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No. 9540 OF 1999

ORDER:

This writ petition is filed seeking a certiorari to call for the records relating to letter No. 2/11/94/PERS/7193, dated
16-8-1995 and to quash the same as arbitrary and illegal and to consequently direct the respondents to reinstate the petitioner into service with all consequential benefits.

It appears, the petitioner was appointed as a Clerk-cum-Typist in Tribal Cooperative Marketing Development Federation of India Limited with effect from 14-7-1994. While the petitioner was assisting one M.V. Kumara Swamy, Assistant Manager, a charge sheet was issued to the petitioner, the said Kumara Swamy and one B.R. Rashtrapal, Manager of the respondent – organization for certain illegalities purported to have been committed by them and an Enquiry Officer was appointed to conduct the enquiry. The Enquiry Officer submitted report holding all the persons including the petitioner guilty of the charges. The disciplinary authority accepted the report of the Enquiry Officer and finally imposed the punishment of dismissal from service by order dated 16-8-995. Aggrieved by the same, the present writ petition is filed.

In fact, the Manager as well as the Assistant Manager who were also dismissed from service filed Writ Petition No. 15357 of 1996 and Writ Petition No. 11906 of 1999 respectively. Both the writ petitions were allowed on 19-12-1996 and 3-10-2007 respectively on the ground that principles of natural justice were violated and no enquiry worth the name was conducted. However, liberty was given to the respondents to conduct a detailed enquiry into the matter after affording opportunity to the petitioners therein.

Under those circumstances, I am of the considered opinion that the issue that arises for consideration in this writ petition is squarely

covered by the orders in the said writ petitions. Therefore, this writ petition is also liable to be disposed of in terms of the said orders.

In view of the same, the impugned order is set aside. The petitioner is entitled for all the consequential benefits such as reinstatement into service etc. However, this order will not preclude the respondents from conducting enquiry into the matter after affording opportunity to the petitioner as per law.

The writ petition is allowed to the extent indicated above. No order as to costs.

_____ **C.V. RAMULU, J**

21-11-2007
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